

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CAYVEST GLOBAL MANDATE INC.
f/k/a CAYVEST US EQUITY, INC.

Plaintiff,

v.

LEWIS ASSET MANAGEMENT CORP.,
LAM OPPORTUNITY FUND, LTD, W.
AUSTIN LEWIS, IV, ANDREW J. KUNAR,
AND CHRISTOPHER WETHERHILL.

Defendants.

Index No.: 1:10-cv-695 (RMB)

**NOTICE OF CROSS-MOTION FOR
THE APPOINTMENT OF A RECEIVER**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law dated October 13, 2010, the Affirmation of John P. Campbell, Esq. and all Exhibits, as well as the Affirmation of Michael J. Marotte, Esq., and upon all pleadings and proceedings heretofore had herein, Plaintiff, hereby cross-moves this Court before the Honorable Richard M. Berman at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an Order Appointing a Receiver to Oversee the Defendant Fund's Liquidation and granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, by agreement of the parties and order of the Court, defendants shall reply to plaintiff's opposition and oppose the cross-motion on or before November 1, 2010 and plaintiffs shall file its surreply on or before November 8, 2010.

SCHENCK, PRICE, SMITH & KING, LLP
Attorneys for Plaintiff

Dated: October 13, 2010

JPC/01121212

/s/ John P. Campbell
John P. Campbell (JC 8746)
Michael J. Marotte

TO:

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